

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

Wendy Berry, Lorri Hulings, and Kathleen Sammons, individually and as representatives of a class of similarly situated persons, and on behalf of the FirstGroup America, Inc. Retirement Savings Plan,

Plaintiffs,
v.

FirstGroup America, Inc., FirstGroup America, Inc. Employee Benefits Committee, and Aon Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 1:18-cv-00326-JPH
Judge Jeffery P. Hopkins

NOTICE OF GLOBAL SETTLEMENT

Plaintiffs Wendy Berry, Lorri Hulings, and Kathleen Sammons (“Plaintiffs”) and Defendants FirstGroup America, Inc., FirstGroup America, Inc. Employee Benefits Committee (the “FGA Defendants”), and Defendant Aon Hewitt Investment Consulting, Inc. (“Aon Hewitt”) jointly notify the Court that all Parties have reached an agreement in principle to settle all of the claims in this case amongst all of the parties on a class-wide basis. The comprehensive class settlement, subject to the Court’s approval under Fed. R. Civ. P. 23(e), fully resolves all of the issues presented in this litigation and will moot several pending motions, including the FGA Defendants’ Motion for Summary Judgment, *ECF No. 107*, the FGA Defendants’ Motion to Exclude Opinions of Plaintiffs’ Expert Brian C. Becker, Ph.D., *ECF No. 156*, and related motions to seal, *ECF Nos. 148, 158, 164, 165*.

The Parties are in the process of drafting settlement papers that update Plaintiffs’ previous partial settlement with Aon Hewitt, *ECF No. 144*, and will submit an amended Class Action

Settlement Agreement and Amended Motion for Preliminary Approval within 21 days of the date of this notice. Accordingly, the Parties respectfully request that the Court refrain from issuing a ruling on the soon-to-be-moot motions that are presently pending.

Dated: February 8, 2024

NICHOLS KASTER, PLLP

/s/ Paul J. Lukas

Paul J. Lukas*
Brock J. Specht*
Matthew H. Morgan*
Anna P. Prakash*
Steven J. Eiden*
Patricia C. Dana*
4700 IDS Center
80 S 8th Street
Minneapolis, MN 55402
Telephone: 612-256-3200
Facsimile: 612-338-4878
lukas@nka.com
bspecht@nka.com
morgan@nka.com
aprakash@nka.com
seiden@nka.com
pdana@nka.com

*admitted pro hac vice

FREKING MYERS & REUL LLC

George M. Reul, Jr. (0069992)
600 Vine Street, Ninth Floor
Cincinnati, Ohio 45202
Telephone: 513-721-1975
Facsimile: 513-651-2570
greul@fmr.law

Attorneys for Plaintiffs

O'MELVENY & MYERS LLP

/s/ Brian D. Boyle

Brian D. Boyle*
Shannon M. Barrett*
Deanna Rice
1625 Eye St., NW

Respectfully submitted,

GOODWIN PROCTER LLP

/s/ James O. Fleckner

James O. Fleckner*
David Rosenberg*
100 Northern Avenue
Boston, Massachusetts 02210
Telephone: 617-570-1000
Facsimile: 617-523-1231
jfleckner@goodwinlaw.com
drosenberg@goodwinlaw.com

Gabrielle L. Gould*
Samuel J. Rubin*
The New York Times Building
620 Eighth Avenue
New York, New York 10018
Telephone: 212-813-8800
Facsimile: 212-355-3333
ggoold@goodwinlaw.com
srubin@goodwinlaw.com

*admitted pro hac vice

DINSMORE & SHOHL LLP

Jennifer O. Mitchell
255 E. Fifth Street, Suite 1900
Cincinnati, Ohio 45202
Telephone: 513-977-8364
Facsimile: 513-977-8141
jennifer.mitchell@dinsmore.com

*Attorneys for FirstGroup America, Inc. and the
FirstGroup America, Inc. Employee Benefits
Committee*

Washington, DC 20006
Telephone: (202) 383-5300
Fax: (202) 383-5414
bboyle@omm.com
sbarrett@omm.com
derice@omm.com

Stuart M. Sarnoff*
William Pollak*
Times Square Tower 7 Times Square
New York, NY 10036
Telephone: (212) 728-5675
Fax: (212) 326-2061
ssarnoff@omm.com
wpollak@omm.com

*admitted pro hac vice

V. Brandon McGrath (0072057)
DENTONS BINGHAM
GREENEBAUM LLP
2350 First Financial Center
255 East Fifth Street
Cincinnati, Ohio 45202-4728
Telephone: 513-455-7641
brandon.mcgrath@dentons.com

*Attorneys for Defendant Aon Hewitt
Investment Consulting, Inc. (n/k/a Aon
Investments USA, Inc.)*

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2024, a true and accurate copy of the foregoing as filed electronically. Notice of this filing will be delivered to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Paul J. Lukas
Paul J. Lukas